

REMARKS

In response to the aforementioned Office letter, the applicants note the objection to the claim for priority. Although the applicants disagree with the Examiner and have even prepared a chart showing the fact that there is a co-pendency (copy attached) the applicants have deleted reference to the priority claims. This should obviate any issue with regard to priority. Moreover, the applicants are herewith submitting a new declaration in which there is no claim to priority.

With regard to the defective oath or declaration, the new declaration submitted herewith is now believed to be in compliance with Title 37, Code of Federal Regulations, §1.67(a).

Turning now to the merits of the application and, particularly, the merits of the claims, the applicants note that practically all of the independent claims and, hence, all of the claims in the application were rejected on the grounds that the Examiner did not provide any patentable weight to the preamble. In support thereof, the Examiner relies upon *Kropa v. Robie*, 88 U.S.P.Q. 478 (CCPA 1951). However, reconsideration of this position is respectfully urged.

There is a wealth of case law which supports the proposition where support for the preamble is found in the body of the claim then this material must be considered. Therefore, it is urged that

the preamble in this case should be considered along with the limitations in the body of the claims.

This amendment is also being submitted in response to an oral interview which was conducted with Tania Courson and the Supervisory Examiner Diego Guterrez on February 19, 2004. The courtesy of that interview is greatly appreciated. At the aforesaid interview, the applicants discussed the claims in this application as well as the applicants' related applications Serial No. 09/758,934 and No. 10/633,480 which was a continuation of application Serial No. 10/004,213.

In that interview, both Examiner Courson and Supervisory Examiner Guterrez argued that one of the principal elements of the claims is the fact that the footprints function as movement indicator elements and point out a direction of movement. Both Examiners believed that these elements were not obvious in view of the prior art, in combination with the other elements now present in the claims. It was also suggested that if these elements were incorporated in the claims, they could potentially place the claims in condition for allowance.

The applicants have amended all of the claims in the application with the exception of Claims 6-12 to define these limitations. Claims 6-12 will be discussed separately below. Each of the remaining claims in the application have been amended to define the plurality of movement indicator elements on the pathways to suggest the individuals in the line walk in the pedestrian

pathway and, moreover, not only do they suggest a walking activity, but they also suggest the direction of movement. The movement indicator elements, preferably in the form of footprints, cooperate with the path forming elements to present the desired pathway and direction of movement to an end of the line position.

It is respectfully urged that the arguments previously presented by the applicants regarding allowance of the claims are valid and the claims are believed to be allowable without these new limitations. Nevertheless, the applicants have amended all of the claims, with the exception of Claims 6-12, to include these limitations. It is therefore believed that each of these claims is therefore allowable and allowance therefore is respectfully solicited.

It is to be noted that the Examiner largely relied upon the Castle Patent and even stated that if the claim for priority was not established, the rejection would be advanced under 35 U.S.C. 102. However, reconsideration of that position is respectfully urged. The Castle Patent was cited in this present application to show a presence of the advertising or promotional messages along with the guidance and location control system. However, the Castle Patent is completely devoid of any guidance and location control system. Consequently, Castle is not really relevant with respect to the instant application. There is nothing in the four corners of this patent which suggests an end of the line element and path forming elements which cooperate to cause movement of a group of individuals

in a pathway. Thus, Castle is completely devoid of the most important teachings now presented in the claims of this application.

Castle was cited to show the use of the messages on a floor mat. However, this brings the applicants to the issues of Claims 6-12. These claims do not include the limitations regarding the direction markers. Rather, these claims are believed to patentably distinguish over the prior art of record, including Castle, since they cover the fact that one message can be substituted for another and, moreover, they cover the fact that the message is directly related to the purpose of the individual in that institution. Thus, in the case of an auto parts manufacturer, the symbols showing the direction of movement may very well be spark plugs pointed in a certain direction. This indicates a movement and, moreover, it also indicates the direction of that movement. Therefore, reconsideration of the rejection of Claims 6-12 is respectfully solicited.

It is believed that the applicant has overcome all of the objections raised by the Examiner and therefore, based on the aforesaid interview, this application should be in condition for allowance. Favorable reconsideration and allowance is therefore respectfully solicited.

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Respectfully submitted,



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